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PATENT

Attorney Docket No. 04645.0664

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of Zayatz

Serial No.: 09/667,983

Filed: September 22, 2000

For: Protection Device Having A Sleeve And Method Of Assembling  
A Battery With A Protection Device And An Electrical  
Component

Examiner: T.T. Dinh

Group Art Unit: 2827

#9 / Response  
Answered  
9/12/02

RESPONSE TO PAPER NO. 8

Commissioner for Patents  
U.S. Patent and Trademark Office  
Washington, D.C. 20231

Sir:

An office action dated May 23, 2002 and labeled "Paper No. 8" (the "Office Action") was received and reviewed. In response

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I hereby Certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C. 20231

Jennifer Nichols

Name

Signature

*Jennifer Nichols*

to the Office Action, applicant submits the following remarks.

#### REMARKS

The Office Action has been received and reviewed. Applicant submits the following remarks in response to the Office Action. In view of these remarks, applicant respectfully requests allowance of the claims.

1. Rejection Of Claims 1-7 - 35 U.S.C. 112

At section 1 of the Office Action, claims 1-7 were rejected under 35 U.S.C. 112, second paragraph. It appears there is confusion about the phrase that appears on page 14, lines 11-13, which reads, "wherein the electrical component is permitted to reside between and be protected by the housing and the terminal cap." According to this phrase, the electrical component is permitted to reside between the housing and the terminal cap. If the phrase is still not clear, the examiner is invited to contact the undersigned.

2. 35 U.S.C. 103(a) Rejection Of Claims 1, 2, 5-12 and 15-20

At section three of the Office Action, claims 1, 2, 5-12, and 15-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. 5,876,868 (Tanida) in view of U.S.

Pat. No. 6,322,921 (Iwaizono et al.).<sup>1</sup> The following arguments were made in support of the 35 U.S.C. 103(a) rejection:

1. Tanida discloses all of the limitations of claims 1, 9 and 17 except for an electrical component between the base and the terminal cap;  
and
2. Iwaizono discloses an electrical component residing between a base and a terminal cap.

Applicant respectfully disagrees. Tanida in view of Iwaizono et al. does not render the present invention obvious under 35 U.S.C. 103(a).

In the Office Action, it was argued that the cap member 3 in Tanida is a sleeve joined to the perimeter wall. A sleeve is a tubular part, and Tanida's cap member 3 is not a tubular part. Tanida does not suggest that the cap member 3 should be a tubular part. It is respectfully submitted that Iwaizono et al. fails to make up for this deficiency of Tanida.

In the Office Action, it was argued that the thin ring-like PTC element 4 of Tanida is a terminal cap. Merriam-Webster's Collegiate Dictionary, 10<sup>th</sup> edition, defines the adjective "terminal" to mean "of or relating to an end, extremity, boundary, or terminus." In addition, Webster's dictionary defines the noun "terminal" to mean, "a part that forms the end"

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<sup>1</sup> The Office Action cites "Alexandres" on page 3, line 1, but later the Office Action cites Tanida. We believe the reference to "Alexandres" was made in error.

and also to mean, "a device attached to ... an electrical apparatus for convenience in making connections." The Tanida PTC element 4 is not the end, extremity, boundary or terminus of the battery 1. Nor is the Tanida PTC element 4 a device attached to an electrical apparatus for convenience in making connections. Therefore, Tanida's PTC element 4 is not a terminal cap. Further, Tanida does not suggest that the PTC element 4 should be "an end, extremity, boundary, or terminus", or "a part that forms the end", or "a device for convenience in making connections". It is respectfully submitted that Iwaizono et al. fails to make up for this deficiency of Tanida.

The arguments set forth above are applicable to all the independent claims, claims 1, 9 and 17. A further argument is applicable to claim 17. Claim 17 recites providing a battery having a terminal pin and placing the protective housing on the battery so that the terminal pin extends into a contact hole in the protective housing. The Tanida battery 1 has no such terminal pin extending into a contact hole of a protective housing, and does not suggest one. It is respectfully submitted that Iwaizono et al. fails to make up for this deficiency of Tanida.

The distinctions (discussed above) between the cited references and the claims of the application are applicable to the independent claims. Those distinctions are equally applicable to the dependent claims 2, 5-8, 10-12, 15, 16, and 18-20, because the dependent claims include the limitations of the independent claim from which they depend. Therefore, the

arguments against applying Tanida and Iwaizono et al. against the independent claims are equally applicable to these dependent claims.

There are additional arguments against applying Tanida to some of the dependent claims. Claims 5, 15 and 19 require an adhesive "on the base", or "between the base and the battery", or "between the battery and the protective housing". Tanida does not disclose or suggest such an adhesive. It is respectfully submitted that Iwaizono et al. fails to make up for this deficiency of Tanida.

Dependent claims 6, 7, 16 and 20 require a sheet. In the Office Action, it was argued that Tanida's insulating member 6 is a sheet. Webster's dictionary defines a sheet as "a portion of something that is thin in comparison to its length and breadth". The insulating member 6 is not thin in comparison to its length and breadth, and there is no suggestion that the insulating member 6 should be made so. Nor does it appear that Tanida's insulating member 6 has an adhesive. It is respectfully submitted that Iwaizono et al. fails to make up for this deficiency of Tanida.

For the reasons set forth above, it is respectfully submitted the 35 U.S.C. 103(a) rejection of claims 1, 2, 5-12, and 15-20 are in condition for allowance. Applicant requests that the claims be allowed.

3. 35 U.S.C. 103(a) Rejection Of Claims 3, 4, 13 and 14

At section four of the Office Action, claims 3, 4, 13 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. 5,876,868 (Tanida) in view of U.S. Pat. No. 6,322,921 (Iwaizono et al.) and U.S. Pat. No. 5,521,021 (Alexandres et al.). It was argued in the Office Action that Tanida and Iwaizono et al. do not teach using a tinnerman fastener, but that the threaded positive contact member 56 of Alexandres et al. is a tinnerman fastener. It is respectfully noted that the application was amended to remove references to "tinnerman fastener" and replace them with "panel nut". The Alexandres et al. contact member 56 is not a panel nut, nor does Alexandres et al. suggest use of a panel nut. A nut is a device having an aperture for receiving a threaded fastener or an unthreaded rod. The Alexandres et al. contact member 56 does not have such an aperture, and therefore is not a nut. By disclosing use of the contact member 56, Alexandres et al. teaches away from using a panel nut.

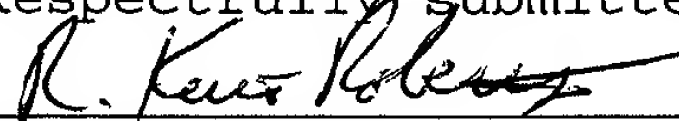
For the reasons set forth above, it is respectfully submitted the 35 U.S.C. 103(a) rejection of claims 3, 4, 13 and 14 are in condition for allowance. Applicant requests that the claims be allowed.

CONCLUSION

In view of the foregoing remarks, it is respectfully submitted a full and complete response to the Office Action has been made. The claims are in condition for allowance, and

allowance of the claims is respectfully requested. The Examiner is invited to call applicant's attorney if any questions remain following review of this response.

Respectfully submitted,



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Date: August 22, 2002

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